



recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, \_\_\_F.3d\_\_\_, 2005 WL 1713188, at \*3 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” (quoting Fed. R. Civ. P. 72 advisory committee’s note)).

The court has reviewed the record and the Report and Recommendation of the Magistrate Judge. Finding no clear error, the court adopts the conclusion of the Magistrate Judge that Plaintiff’s claim is barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). Accordingly, it is hereby

**ORDERED** that this action is *dismissed without prejudice and without issuance and service of process*.

**IT IS SO ORDERED.**

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
August 23, 2005

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